

WATER PERMIT NO. 2258A-32

Name of Applicant: John Hames

Address: 201 S 6th St, Hot Springs SD 57747

Phone: 605 745-5272

Amount of Water Claimed: 0.033 cfs (15 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use

County: Fall River

Type of Waste Disposal System:

Location: within city limits of Hot Springs

PRIORITY

Date Received: 1-26-1999

Fee: \$50.00

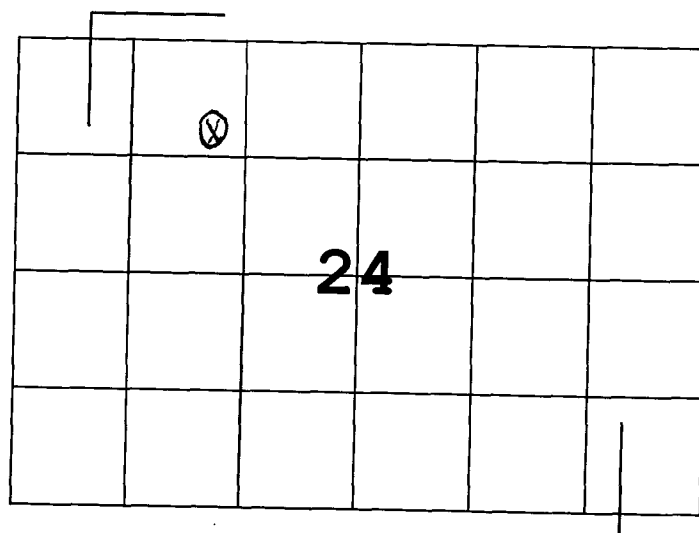
Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW ¼ NW ¼ (Lots 7 & 8,
Block 34)Sec 24-T7S-R5E

Land to be Irrigated: NA



Depth of Well: _

Well Driller:

Remarks: no log available

Type of Map: plat

Prepared by: Clinton Gregory, PE

Reviewed and the Number Assigned on: 1-26-1999

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2258A-2</u>	(office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Hot Springs Star, Box 1000, Hot Springs 57747-1000</u>	
	<u>745-4170 (Tuesday)</u>	



Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

Reinstatement of Water Permit No. 2258-2

- Name of Applicant John Hames Phone 605 745-5272
(check one) ☐ Tenant/lessee
Mailing Address 201 So. 6th St Hot Springs State SD 57747
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.033 *CFS or 15 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply groundwater
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) (Lots 7 & 8, Block 34)
NW 1/4 NW 1/4 Sec 24-T7S-R5E
County Fall River
- County or counties where water will be used Fall River
- Annual period during which water is to be used January 1 - December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

We are building a commercial bath house on this property. We will be drawing the spring water from the well to use for the hot ~~water~~ pools.

STATE OF SOUTH DAKOTA)
County of FALL RIVER SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, John Hames, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature John Hames

Subscribed and sworn to before me this 25TH day of JANUARY 19 99

**SOUTH DAKOTA
WATER PERMIT NO. 2258A-2**

Date of first receipt of application January 26, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2258A-2 to John Hames, 201 S 6th St, Hot Springs SD 57747 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2258A-2 reinstates Permit No. 2258-2. Permit No. 2258-2 appropriates 0.033 cubic feet of water per second (15 gallons per minute) from one well located in the NW ¼ NW ¼ (Lots 7 & 8, Block 34) Section 24-T7S-R5E. The permit was approved April 26, 1993, and the project was to be completed April 26, 1998, with water being put to beneficial use by April 26, 2002. This permit reinstates Water Permit No. 2258-2 since the project has not been completed.
2. The water appropriated shall be used for the purpose of operating a commercial bath house and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2258A-2 is March 19, 1999.
5. The date from which applicant may claim right is January 26, 1999.
6. One-fifth of the construction is to be completed on or before September 19, 2001.
7. All construction is to be completed on or before March 19, 2004.
8. Water is to be put to beneficial use on or before March 19, 2008.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Approval of No. 2258A-2 cancels No. 2258-2.

WATER MANAGEMENT BOARD

By: *John Hatch*
John Hatch, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

APR 23 1999

date



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416022

Pierre, January 26, 19 99

RECEIVED OF John Hames, 1719 W. Main, Rapid City, SD 57702
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 2258A-2 to Appropriate Water, to construct
and to put water to beneficial use _____

50 00

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 2258A-2 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

100 00

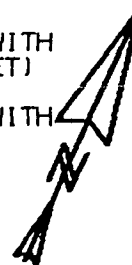
By _____
Chief Engineer

John Hames

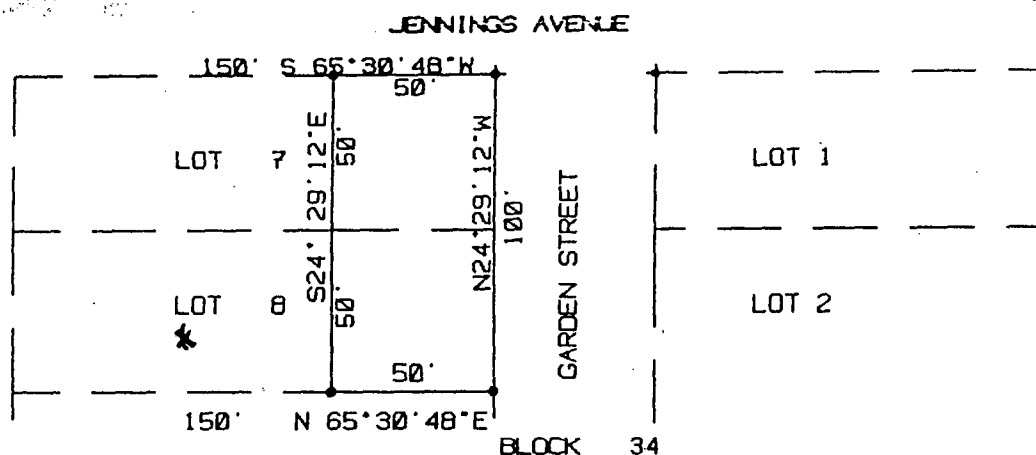


BASIS OF BEARING:
SOLAR OBSERVATION.

- LEGEND:
- 5/8" REBAR WITH CAP #638 (SET)
 - 5/8" REBAR WITH CAP #1771 (FOUND)



SCALE: 1" = 60'



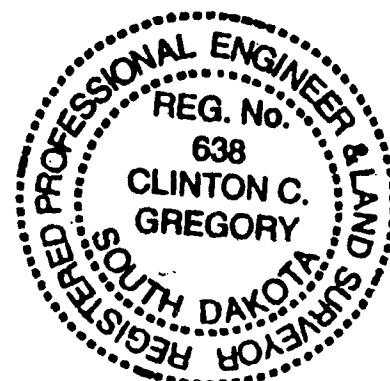
PLAT OF THE EAST 50 FEET OF LOTS 7 AND 8, BLOCK 34.
ORIGINAL TOWN, TOWN OF, NOW CITY, OF HOT SPRINGS, SD.

SURVEYOR'S CERTIFICATE

I, Clinton C. Gregory, Professional Engineer and Registered Land Surveyor No. 638, in the State of South Dakota, do hereby certify that I have surveyed the east 50 feet of Lots 7 and 8, Block 34, Original Town, Town of, now City, of Hot Springs, South Dakota and that all things shown hereon are true and correct.

Witness my hand and seal this 20th day of July, 1992.

Clinton C. Gregory
Clinton C. Gregory



* well is already drilled
pump is working

2558A-22



EDGE MONT 26 MI.
MINNEAPOLIS 17 MI. (MINNEAPOLIS)

ARMORE 34 MI.
CASCADE SPRINGS 7.4 MI.

T. 7 S.
T. 8 S.
400 000
FEET

HOT SPRINGS

Battle Mountain
National Sanatorium

UNIVERSITY AVE

High Sol

Disposal Plant

Slaughter

Brady

North

South

Knapp

Knapp

April 22 1958



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 1999

Beth Peters
PO Box 101
Hot Springs SD 57747

Dear Ms. Peters:

In reference to your phone conversation with, Eric Gronlund, enclosed is the *Application for a Permit to Appropriate Water* to reinstate Water Permit No. 2258-2.

Please review the application and have it signed and notarized. The application filing fee to reinstate a water permit is \$50.00. In addition to the application filing fee, the Water Rights Program now collects the \$50.00 licensing fee at the time of filing (total \$100.00). You will also be responsible for payment of the public notice in a local newspaper.

Upon receipt of the application and fees, further processing of the application to reinstate will continue. If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Eric Gronlund
Dept of Environment
and Natural Resources

January 25, 1999

Hi Eric,

I am sending in the application for reinstatement in John Hames name. John is taking over the building of the bath house, and the well, water etc. I will be managing the bath house for him.

Enclosed is the check for \$100.00, as required.

Thank you for all your help,

Beth Peters
605-745-4424



Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 2258A-2, John Hames

ADDRESS: COUNTY: Fall River

DATE: February 24, 1999 TELEPHONE:

RE: Discussion with John Hames & Beth Peters

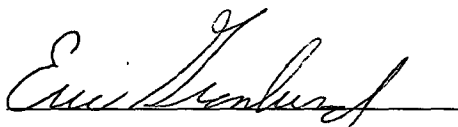
COMMENTS:

Mr. Hames & Ms. Peters returned my telephone call. I asked what will be done with the wastewater generated by the facility. They indicated the water will be disposed of to the City of Hot Springs sanitary sewer. They further indicated that this will not be a continually discharging to the sanitary sewer but instead the pools/tubs will be flushed a few times a year. The city will bill the business based on the amount of water diverted from the well which will have a flow meter installed.

Mr. Hames inquired about discharging to a surface water source. I directed him to Kelli Buscher from the Surface Water Quality Program. He said this is not something they are planning on doing now but he will keep Kelli's name in his file for future reference.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2258A-2, John Hames**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2258A-2 to reinstate Water Permit No. 2258-2 filed by John Hames, 201 South 6th Street, Hot Springs SD 57747.

The Chief Engineer is recommending APPROVAL of Application No. 2258A-2 to reinstate Permit No. 2258-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Approval of No. 2258A-2 cancels No. 2258-2.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 19, 1999

REPORT ON WATER PERMIT APPLICATION NO. 2258A-2

for John Hames

February 9, 1999

Application No. 2258A-2 proposes to reinstate water permit No. 2258-2. Permit No. 2258-2 appropriates 0.033 cfs (15 gpm) from one well located in the NW 1/4 NW 1/4 of Section 24, T7S-R5E for commercial use. The permit was approved April 26, 1993 and the project was to be completed April 26, 1998, with water to be put to beneficial use by April 26, 2002. Since the project has not been completed, application No. 2258A-2 has been filed for reinstatement.

Application No. 2258^A-2 to reinstate Permit No. 2258-2 is made pursuant to SDCL 46-2A-8.1 which allows reinstatement with a new priority date, if unappropriated water is available, when construction necessary to put water to beneficial use is not completed within five years of approval of the permit.

AQUIFER - UNKNOWN (ALQ)?

There are potentially three different geologic water sources in this area which would be relatively shallow. First, alluvium associated with the Fall River, second, the Minnekahta Limestone, and third, the Minnelusa Formation. Even a well completed into the Minnelusa formation would only be 300 to 350 feet in depth. However, it appears likely that this existing well will be obtaining water from the alluvium. No information was filed with the application concerning the construction of this well.

The Water Rights Program does monitor a couple of observation wells in this area, FR-95A and FR-95B, completed into the Madison and Minnelusa Formations, respectively. The distance from these wells to this application is about one mile to the east. It is likely that the well for this application is completed into alluvium and water levels from these observation wells will not have any relevance to the water levels in the alluvium. However, the original source of water to the alluvium aside from the natural flows in Fall River is probably ground water migrating upward from the Madison and Minnelusa formations into the alluvium and the various springs which discharge to the Fall River in the Hot Springs area.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit is No. 2151-2 issued to the city of Hot Springs. This permit is located about 1500 feet north of this application and the source of water is from the alluvium. This diversion is relatively small and interference is not a concern.

CONCLUSIONS

1. Water is available from the well for this application.
2. There is insufficient information available to determine the source of ground water or to determine if the well is completed in accordance with SD Well Construction Standards.
3. The diversion rate requested by this application is relatively small and interference is not expected to be a concern.
4. The applicant has indicated that the wastewater will be discharged to the Hot Springs sanitary sewer system.
5. In this case, it doesn't appear to make any difference whether this is a reinstatement of Water Permit No. 2258-3 or a new application. Either way, this creates a new priority date and another five years to develop and Water Permit No. 2258-3 can be cancelled.


James A Goodman
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

February 24, 1999

John Hames
201 S. 6th St.
Hot Springs, SD 57747

Dear Mr. Hames:

Water Permit Application No. 2258A-2 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hot Springs Star printed at Hot Springs, SD (Ph # (605) 745-4170). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 24, 1999

Hot Springs Star
Box 1000
Hot Springs, SD 57747-1000

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2258A-2 to Appropriate Water to be published twice. Please publish the first notice on March 2, 1999, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is John Hames, 201 S. 6th St., Hot Springs, SD 57747 (Ph # (605) 745-5272).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 2258A-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of February 24, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 2258A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 2, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2258A-2 to Reinstate
Water Permit No. 2258-2

Notice is given that John Hames, 201 S 6th St, Hot Springs SD 57747 has filed an application for a water permit to reinstate Permit No. 2258-2. Permit No. 2258-2 appropriates 0.033 cubic feet of water per second (15 gallons per minute) from one well located in NW ¼ NW ¼ (Lots 7 & 8, Block 34) Section 24-T7S-R5E for commercial use. The permit was approved April 26, 1993, and the project was to be completed April 26, 1998, with water being put to beneficial use by April 26, 2002. Application No. 2258A-2 proposes to reinstate Water Permit No. 2258-2 since the project has not been completed. Approval of No. 2258A-2 will cancel No. 2258-2.

Application No. 2258A-2 to reinstate Permit No. 2258-2 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed within five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2258A-2 to reinstate Permit No. 2258-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 19, 1999.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Fall River)

I, Tim Franklin

certify that the attached printed Notice was
taken

from the Hot Springs Star

printed and published in Hot Springs

County of Fall River and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 2, 1999

March 9, 1999

Cost of Printing 42.50

Tim Franklin
(Signature)

Publisher
(Title)

March 9, 1999
(Date Signed)

55

NOTICE OF APPLICATION NO. 2258A-2 to Reinstate Water Permit No. 2258-2

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Mar. 2, 9



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

APR 23 1999

John Hames
201 S. 6th St.
Hot Springs, SD 57747

Dear Mr. Hames:

Enclosed is Water Permit No. 2258A-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Beth Peters, P.O. Box 101, Hot Springs, SD 57747

Schlaak, Karen

From: Bortnem, Joan
Sent: Wednesday, August 11, 1999 8:36 AM
To: Schlaak, Karen
Cc: Rogers, Tim; Smith, Kim; Gronlund, Eric
Subject: FW:

Karen - Thanks for taking this since Eric is gone. Please cc:DENRINTERNET so we know that it has been answered.

-----Original Message-----

From: Lorie Hames [mailto:bathhouse@gwtc.net]
Sent: Tuesday, August 10, 1999 5:07 PM
To: DENRINTERNET@state.sd.us
Subject:

Please contact us ASAP. 605-745-4424 Ask for Molly or Lorie. This is regarding ourwater use permit becoming a license for the Springs Bath House in Hot Springs, SD. We're ready!! Molly (the manager) can also be reached at 605-745-4189 .THANK YOU ERIC G. Sincerely yours, Molly Rae.

08/11/1999

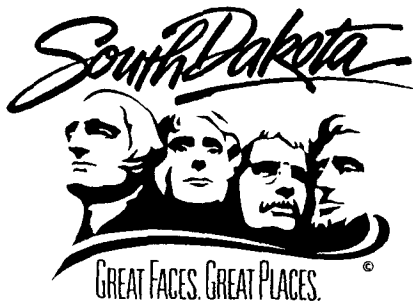
Schlaak, Karen

To: bathhouse@gwtc.net
Cc: DENR INTERNET INFORMATION
Subject: Springs Bath House

We have received your notification that Water Permit No. 2258A-2 is complete. Prior to issuing the water license, the water use system needs to be inspected. Water permit inspections are conducted on a county by county basis. We will schedule an inspection of your water system when a staff member is in the Fall River County area. The inspection will probably not be completed this summer. In the meantime, as long as you use the water beneficially as outlined in the water permit, SD Water Laws provides that you have a continuing right to the use of the water.

Let me know if you have any questions.

Karen Schlaak



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denn

March 19, 2002

Molly Rae, Manager
Springs Bath House
146 N Garden St
Hot Springs, SD 57747

2258A-2

Dear Ms. Rae:

In August, 2001, Tim Schaal with our program conducted a field investigation of the water use system described in Water Permit No. 2258A-2 held by John Hames. The investigation was conducted for licensing purposes. The water license is now ready to be issued.

It is our understanding that the ownership has changed. Prior to licensing, the water permit should be transferred to reflect proper ownership. Enclosed is a partially completed Notice of Transfer of Ownership form for use in filing the change. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as we receive the completed transfer form and the filing fee, the permit will be transferred and the water license will be issued. If you have any questions, please give me a call. Thank you in advance for your help.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

Permit No. 2258A-2
Upper Cheyenne River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, August 28, 2001, made a thorough examination of the water use system constructed by John Hames of 201 S. 6th Street, Hot Springs, SD 57747 holder of Permit No. 2258A-2, bearing the priority of January 26, 1999 authorizing the diversion of 0.033 (15 gpm) cu. ft. per second of the waters of groundwater for commercial use purposes, in Fall River County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Grundfos pump and Franklin 1 hp electric motor

B. Works used to transport water to place of use:

Pipeline

C. Works used to apply water to beneficial use:

Hot Springs Bath House

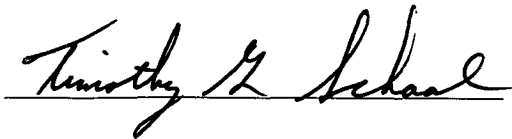
The system is in the following condition good. The point of diversion is located 800 ft. south & 800 ft. east of the NW corner Sec. 24-T7S-R5E (NW 1/4 NW 1/4) (Lot 8, Block 34). The works are capable of diverting and conveying to the place of use 0.033 (15 gpm) cu. ft. per second of water which is to be used for commercial use. Water has been put to beneficial use to the maximum extent as follows:

Hot Springs Bath House

and the license should be issued for 0.033 (15 gpm) cfs.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: March 12, 2002



Timothy G. Schaal, P.E.
Natural Resources Engineer Specialist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2258A-2

Other permit(s) associated with the project: 2258-2

DATE OF INSPECTION: August 28, 2001

NAME & ADDRESS OF INSPECTION CONTACT/ ^{Manager} Molly Rae c/o Springs Bath House, 146 N. Garden St., Hot Springs, SD 57747.

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: ~~new owner~~

NAME & ADDRESS OF PERMIT HOLDER: John Hames

DIVERSION POINT LEGAL LOCATION: 800 ft. south & 800 ft. east of the NW corner Sec. 24-T7S-R5E (NW 1/4 NW 1/4) (Lot 8, Block 34, City of Hot Springs)

WELL INFORMATION:

- 1) Well Drilling Firm: unknown
- 2) No. of Wells 1
- 3) Depth(s) ?? feet
- 4) Well log is available no
- 5) Comment: The aquifer is unknown, no information regarding the well is available

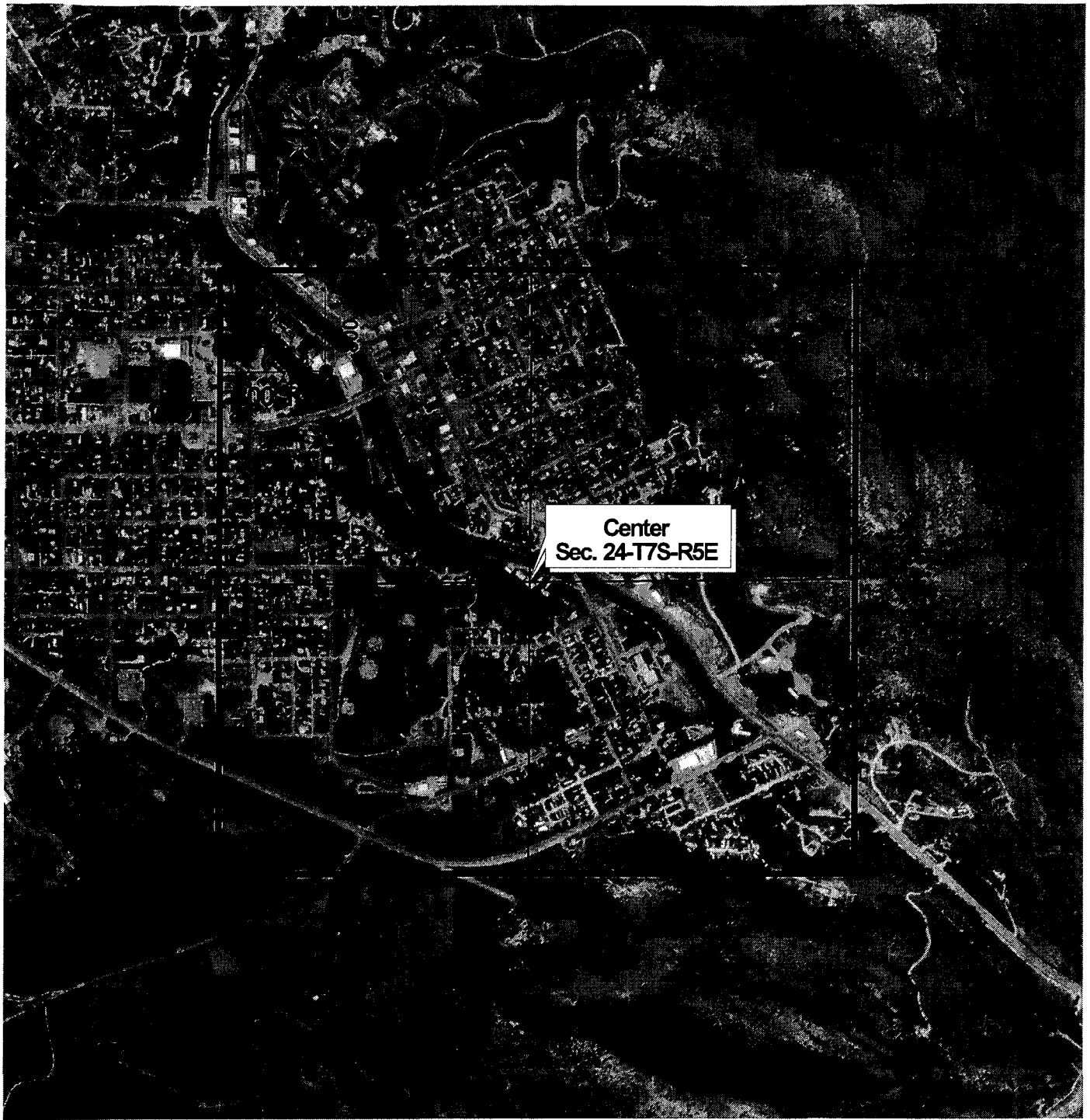
Pump:

- 1) Make Grundfos
- 2) Model XXXX
- 3) Size XXX
- 4) Capacity 15 GPM

Motor:

- 1) Make Franklin
- 2) Model No. 16S10-10
- 3) Horsepower rating 1 hp

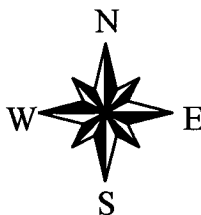
Water Permit Application No. 2258A-2



0.5 0 0.5 Miles

A horizontal scale bar with alternating black and white segments, representing distances of 0.5 miles on either side of the center point.

South Dakota Department of
Environment and Natural Resources



Timothy G. Schaal
Timothy G. Schaal, P.E. 3/12/02
Natural Resources Engineer Specialist
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 19, 2003

No. 2258A-2

Molly Rae, Manager
Springs Bath House
146 N Garden St
Hot Springs SD 57747

Dear Ms. Rae:

I am writing as a reminder that we have not received the *Notice of Transfer of Ownership* form for use in filing an ownership change on Water Permit No. 2258A-2. The water permit is currently listed in the name of John Harms.

Harms

In the event you no longer have the original form, enclosed is another partially completed *Notice of Transfer of Ownership* form. Please review and complete the form, making any necessary corrections or additions. The form should be signed by the new owner and returned to our office with a required filing fee of \$2.50. The check or money order can be made payable to the "Water Rights Program".

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Water Rights Program - File Documentation

NAME: Molly Rae, Manager

ADDRESS: Hot Springs SD

DATE: 3-21-03 **COUNTY:** Fall River **TELEPHONE:** 845-4424

RE: transfer of ownership

COMMENTS:

Molly Rae, Manager of the Springs Bath House called regarding the transfer of ownership form sent to them. Ms. Rae indicated that John Hames is the owner of this business. She talked with John Hames who indicated the water permit should remain in his name. The correct mailing address is: 146 N Garden St, Hot Springs SD 57747



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

APR 21 2003

2258A-2

John Hames
146 N Garden St
Hot Springs SD 57747

Dear Mr. Hames:

Enclosed is Water License No. 2258A-2. This is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2258A-2

(1) John Hames, 146 N Garden St, Hot Springs SD 57747 made Application No. 2258A-2, January 26, 1999 for a water permit to divert 0.033 cubic feet of water per second from groundwater (one well), Fall River County, South Dakota for commercial purposes. Permit No. 2258A-2, with a priority date of January 26, 1999 was approved March 19, 1999 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 19, 2004 and for the application to beneficial use of water on or before March 19, 2008.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2258A-2 is issued a license, bearing a priority date of January 26, 1999 to appropriate 0.033 cubic feet of water per second from groundwater (one well) for commercial purposes at the Springs Bath House.

The diversion point is located: 800 feet south and 800 feet east of the northwest corner Section 24-T7S-R5E (NW ¼ NW ¼) (Lot 8, Block 34).

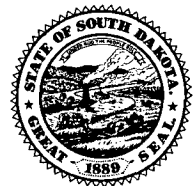
(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2258A-2 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Approval of No. 2258A-2 cancels No. 2258-2.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 21 2003
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 6, 2009

2258A-2

Wayne Hageman
403 North 20th Street
Hot Springs SD 57747

Dear Mr. Hageman:

Thank you for contacting our office concerning the necessary ownership change for Water Right No. 2258A-2. Enclosed is a copy of the water right for your review.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, the form should be signed by the new owner and returned to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Genny McMath'.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 7, 2011

2258A-2

Wayne Hageman
403 North 20th Street
Hot Springs SD 57747

Dear Mr. Hageman:

In November, 2009, you contacted us in regard to an ownership change that was needed for Water Right No. 2258A-2. We followed up by sending a transfer of ownership form and a copy of the water right for your review. I noticed by the file that the water right has not yet been transferred.

In the event you no longer have the transfer of ownership, I am enclosing an additional one. Upon completion, the form should be signed by the new owner and returned to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If I should be contacting someone else for ownership information, please let me know. Thank you in advance for your help.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

McMath, Genny

From: Gronlund, Eric
Sent: Friday, November 06, 2009 9:33 AM
To: McMath, Genny
Subject: Transfer 2258A-2

Wayne Hageman who is a realtor called regarding WR No. 2258A-2 in the name of John Hames. Supposedly Mr. Hames' elderly mother had to foreclose on him and the brother now has power of attorney. Mr. Hageman is helping them get this straightened out.

Please send a partially completed transfer to:

Wayne Hageman
403 North 20th Street
Hot Springs SD 57747

Thanks

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov

RECEIVED

OCT 12 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2258A-2

Date: 10-11-2011

I/We request that Water Right No. 2258A-2

formerly owned by: John Hames

be transferred to: (name & address)

THE PAHA SAPA FOUNDATION
A 501C3 Non Profit, Tax exempt, Education and Scholarship entity.
19247 W. 4th STERLING, CO. 93774 Telephone No. 408-500-1201 cell

Title to the following described land(s)/property has been transferred as described above:

well location: NW 1/4 NW 1/4 (Lot 8, Block 34) Section 24, T7S, R5E @ 146 N. Garden Street,
city of Hot Springs, Fall River City, South Dakota

I/We understand that the validity of Water Right No. 2258A-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Bill Cox TRUSTEE for the PAHA SAPA, Foundation
(William B Cox), the new owner, certify that the above information is true and correct.

William B Cox

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/12, 2011

RECEIVED OF William B Cox 19247 4th Ave Stevinson CA 95374

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2258A-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05040**

By *Richard E. White*
Chief Engineer

Please send mail to:

Wayne Hageman

1403 N. 20th

Hot Springs SD 57747

William TB Cox

TRUSTEE for the PANA

SAPA Foundation.

Cell # 4C8-SU-12C1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 25, 2011

2258A-2

William B Cox, Trustee
% Wayne Hageman
Paha Sapa Foundation
403 N 20th
Hot Springs SD 57747

Dear Sir:

The transfer of ownership for Water Right No. 2258A-2 has been completed. The water right formerly listed in the name of John Hames is now listed in the name of "The Paha Sapa Foundation".

Enclosed for your records is Receipt No. 05040 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure